

1. 2013SP-013-001

51st & ILLINOIS AVENUE

Map 091-11, Parcel(s) 055-056

Council District 20 (Buddy Baker)

Staff Reviewer: Duane Cuthbertson

A request to rezone from R6 and CS to SP-MU zoning for properties located at 5100 and 5104 Illinois Avenue, at the northwest corner of Illinois Avenue and 51st Avenue North (0.36 acres), to permit a mixture of uses, requested by John G. Brittle, Jr., applicant, Eugene Nelson and Stephen and Janice Matheny, owners.

Staff Recommendation: Approve with conditions, including a condition to add to the Building Materials provisions in Phase II: "All new buildings and/or additions shall consist of at least sixty percent wood, brick, stone or a 'hardie type' board." and a waiver of the notice requirements in the Planning Commission Rules and Procedures due to a miscommunication between staff and the applicant, and disapproved without all conditions.

APPLICANT REQUEST

Permit commercial re-use and mixed use redevelopment

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) and Commercial Services (CS) to Specific Plan - Mixed-Use (SP-MU) zoning for properties located at 5100 and 5104 Illinois Avenue, at the northwest corner of Illinois Avenue and 51st Avenue North (0.36 acres), to permit a mixture of uses.

Existing Zoning

One and Two Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

Specific Plan Mixed-Use (SP-MU) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

WAIVER OF NOTICE REQUIREMENT

Due to miscommunication between the applicant and staff, notices for this application were mailed three days later than required by the Planning Commission Rules and Procedures, which is 13 days in advance of the public hearing. The sign notice was posted on site nine days prior to the meeting where the Planning Commission Rules and Procedures requires signs to be posted ten days prior to the meeting. However, staff is recommending that this application be heard by the Planning Commission as this SP is the result of an on-going dialog between the applicant, the Councilmember, the neighborhood association and other stakeholders in the neighborhood. Additionally, this application began as a MUL zone change for which the full notice requirement was executed.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development
- Promotes Compact Building Design

The property is located within an identified commercial corridor situated in the center of a residential neighborhood. The SP enables mixed use development along the corridor at a higher intensity than currently exists. The SP enables a multi-story (up to forty-five feet) mixed-use building along and oriented to the commercial corridor while providing for a transition in intensity down into the neighborhood. Additionally, the sidewalk network will be maintained and improved on 51st Avenue and expanded across the Illinois Avenue frontage toward the residential portion of the neighborhood providing for improved pedestrian connection.



The standards for this SP are included at the end of this staff report.

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Corridor (T4 CM) policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The T4 CM policy allows a variety of residential and non-residential uses. The proposed SP will enable the existing home to continue to be utilized as a single family dwelling or be used for commercial purposes. The SP will also permit redevelopment of the property with a mixture of uses in buildings that contribute to the corridor's urban character.

ANALYSIS

The SP contains two parcels. A house was recently removed from the eastern parcel (Tract B) abutting 51st Avenue while the house remains on the western parcel (Tract A) adjacent to the neighborhood to the west.

The western portion of the property (Tract A), while not currently zoned for commercial uses, is located within a predominantly commercial zoned corridor centered on 51st Avenue. The surrounding commercially zoned corridor was established in 1974. Both the commercial zoning and T4 CM policy on the 51st Avenue corridor extend at least 100 feet east and west into the adjoining neighborhood. The SP zoning will bring this property into alignment with the surrounding zoning pattern along 51st Avenue. The SP site is located within the Urban Zoning Overlay (UZO).

Tract A currently contains a single-family dwelling. The surrounding commercial corridor along 51st Avenue contains other similar commercially zoned residential structures--many used as dwellings.

The sidewalk network is sporadic in the surrounding neighborhood, however, it is consistently present along 51st Avenue north and south of the SP site. Vehicular access to the site is limited to Illinois Avenue and the adjoining alley; there is no access to the site directly from 51st Avenue.

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This SP establishes development standards for two phases. Phase I establishes development standards relevant to the re-use of the existing building. Phase II establishes standards relevant to construction of new buildings along 51st Avenue. Additionally, the SP provides for general standards applicable to both phases of use and development.

Phase 1: Re-Use of existing house

This SP permits re-use of the existing house on Tract A for residential or commercial purposes with limited building additions. Building additions will be limited so as to ensure that re-use of the existing house is compatible with the adjoining neighborhood. Additions will be limited to no more than thirty-three percent of the existing 1,578 square foot building and no taller than the existing building. Any required and additional parking established to accommodate re-use will be situated behind or beside the existing building. No vehicular parking will be permitted in front of the existing house. Parking areas situated between the existing house and 51st Avenue will establish a landscaped edge to buffer and enhance the pedestrian environment along both street frontages. Sidewalks will be maintained on 51st Avenue and a sidewalk eight feet in width will be extended along Illinois Avenue so as to improve and expand the pedestrian network. Access to parking on site will be restricted to the existing alley and limited points along Illinois Avenue.

Phase 2: Site Redevelopment

The SP enables the property to be redeveloped in a manner that enhances the urban character of the neighborhood. New buildings are required to meet a build-to zone of five to fifteen feet along seventy percent of the 51st Avenue frontage. New buildings located on Tract B (within 60 feet of 51st Avenue) are permitted up to forty-five feet in height. To ensure mixed use redevelopment of the site, commercial uses are required within the entire ground floor of new buildings. Any parking established on the site will be situated behind or beside all new buildings with access limited to Illinois Avenue and the adjoining alley. Additionally, the existing house is required to remain on site in order to provide a transition between new taller buildings on 51st Avenue and the adjoining residential neighborhood. Sidewalks along 51st Avenue will be expanded to eight feet in width while the sidewalks established on Illinois Avenue as part of phase one are required to be maintained.

General standards

Uses permitted with this SP include residential and office uses, as well as most of the commercial uses permitted in the MUL-A district. Uses prohibited with this SP include Cash advance, Check cashing, Title loan, Automobile convenience, Car wash, Funeral home, Mobile storage unit, Hotel/motel, Pawn shop, all Communication uses and all Industrial uses. Parking for all uses will be provided as required by the Zoning Code. Landscaping is required so as to mitigate the impact of any proposed parking area to the surrounding residential uses. Additionally, shade producing street trees are required to strengthen the streetscape along the edge of this SP. Signage for both phases of the site's use and development is limited so as to protect the scale and intensity of the surrounding neighborhood. Sign types are limited to building signs and wall signs. Ground signs are limited to no more than thirty-two square feet of display area and no greater than six feet in height. Any parking established behind the buildings (existing or proposed) will be screened from abutting residential uses.

As this request is for Preliminary SP approval, a Final site plan will be required prior to the issuance of a building permit to ensure that new additions and/or development are consistent with the standards adopted.

WATER SERVICES

Approved

STORMWATER

Preliminary SP approved with conditions (Stormwater):

- Add FEMA Note / Information to plans.
- Add 78-840 Note to plans: (Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
- Add Preliminary Note to plans: (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)
- Add Access Note to plans: (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans: (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)
- Add note stating that Water Quality measures may be required during construction drawing review.
- Add note stating that Detention may be required during construction drawing review.
- Add note stating that any new development will respect the Public Utility and Drainage Easements for the existing storm infrastructure.

PUBLIC WORKS

Approval is for PRELIMINARY SP only. A final SP and site plan must be submitted.

- Add access to the alley in the access section of the SP document.

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Maximum Uses in Existing Zoning District: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.17	7.71 D	1 L	10	1	2

Maximum Uses in Existing Zoning District: **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.20	0.60	5227SF	262	12	35

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.37	1 F	16,117 SF*	728	21	61

*SP limits uses permitted in the MUL district

Traffic changes between maximum: **R6, CS** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+456	+8	+24

METRO SCHOOL BOARD REPORT

Projected student generation **1** Elementary **1** Middle **1** High

Students would attend Cockrill Elementary School, McKissack Middle School, or Pearl-Cohn High School. Cockrill Elementary is the only school identified as being over capacity by the Metro School Board. There is no capacity for elementary students within the cluster.

Fiscal Liability

The fiscal liability for one elementary student is \$21,500. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated November 2012.

STAFF RECOMMENDATION

Approve with conditions and a waiver of the notice requirements in the Planning Commission Rules and Procedures due to a miscommunication between staff and the applicant, and disapprove without all conditions. The SP is based on the standards of the MUL-A zoning district, which is a recommended zoning district within the CM policy. The SP will enhance the 51st Avenue Mixed Use Corridor as identified by the West Nashville Community Plan.

CONDITIONS

- Permitted land uses within this SP shall be limited to permitted land uses within the MUL-A zoning district, except Cash advance, Check cashing, Title loan, Automobile convenience, Car wash, Funeral home, Mobile storage unit, Hotel/motel, Pawn shop, all Communication uses and all Industrial uses.
- Add the following provision to the Building Placement provisions in Phase II: *"A building constructed as part of Phase II of this SP shall occupy the corner bounded by Illinois Avenue and 51st Avenue."*
- Add the following language to the Access provisions in General Standards: *"No automobile access shall be permitted to the site directly to or from 51st Avenue."*
- Replace the language in Item 1 of the Building Placement provisions in Phase II with the following: *"A build-to-zone of five to fifteen feet shall be required on both 51st Avenue and Illinois Avenue."*
- Include the following language under Item 2 of the Signage provisions: *"Only one ground sign shall be permitted on the SP site. The ground sign shall be no greater than thirty-two square feet in total area and shall be limited to a maximum height of six feet. Any ground sign located on Tract A within the SP shall be no more than 24 square feet in size."*

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6. Comply with the recommendations of the Department of Public Works.
7. Comply with the recommendations of Metro Water Services, Stormwater Division.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

51st & Illinois Avenue SP District Case No. 2013SP-013-001

Proposed Specific Plan

The intent of this SP district is to allow for properties located at 5100 & 5104 Illinois Avenue (Map 91-11, Parcels 55 & 56) to be used in a manner consistent with the property's Mixed-Use Corridor policy in the West Nashville Community Plan. This SP district is intended to guide the use and development of the site in two phases.

For development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.

Applicability:

General Standards provided herein shall apply to all phases of the SP. Phase I standards provided herein shall apply to the re-use and/or limited expansion of the existing building on Tract A. Phase II standards provided herein shall apply to all new building construction (not including the permitted expansions of the existing building on Tract A) within the SP. Expansion of the existing building on Tract A beyond the permitted thirty-three percent may occur only after a building complying with Phase II of this SP has been constructed.

General Standards:

The following general standards are applicable to all phases of on the SP.

Allowed Uses:

All uses allowed in the MUL-A district, except those listed in this SP as prohibited uses.

Prohibited Uses:

Cash advance, check cashing, title loan, automobile convenience, car wash, funeral home, mobile storage unit, hotel/motel, pawn shop, all communication uses and all industrial uses.

Access:

No automobile access shall be permitted to the site directly from 51st Avenue. Automobile access to the site from Illinois Avenue shall be setback from 51st Avenue according to Metro Public Works standards.

Parking Standards:

Parking spaces shall be provided as required by the Zoning Code.

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Signage:

1. Building signs shall comply with the standards for the MUL-A district; except
2. Only one ground sign shall be permitted on the SP site. The ground sign shall be no greater than thirty-two square feet in total area and shall be limited to a maximum height of six feet;
3. Pole signs are not permitted;
4. Illumination of signage shall be from an exterior source or internal lighting shall be permitted to illuminate letters and logotype only. Sign backgrounds shall be opaque. The lighting element shall not be visible from an adjoining property or public right-of-way;
5. Signs shall meet required site triangle provisions of 17.20.180

Landscaping and Buffering:

Landscaping and buffering standards not specifically addressed within this SP shall comply with the requirements of the MUL-A district.

1. **Perimeter Landscape Strip:** Parking areas shall be separated from the edge of the right-of-way and/or property line by a perimeter landscape strip a minimum of five feet in width which shall be landscaped per the standards of this section.
 - a. Perimeter landscape strips may be reduced to two and one-half feet if the required perimeter trees are to be planted in tree islands within the parking lot.
 - b. Trees shall be installed at a rate of one tree for every thirty feet of property frontage within the perimeter landscape strip; Spacing may be adjusted with the approval of the Urban Forester based upon tree species, the presence of utilities, and the dimensions of the planting strip.
 - c. All perimeter landscape strips adjacent to public streets and open space shall include: evergreen shrubs at appropriate spacing to fully screen vehicles to a minimum height of two and one-half feet.
 - i. Shrubs within fifteen feet of driveways or street intersections shall be maintained to a maximum height of two and one-half feet.
 - ii. Plantings shall not obstruct views onto site as to impede the security of users.
 - d. Berms are not permitted in any landscape strips.
 - e. Adjacent residentially zoned property shall be buffered from any parking area by a solid fence a minimum height of six feet.
2. **Fences and Walls:** Fences and walls shall be constructed of any combination of brick, stone, masonry, treated wood posts and planks, rot-resistant wood, or metal. Chain link and barbed wire fencing is prohibited.
 - a. Fences and walls shall be provided to screen refuse areas and shall be opaque.
 - b. Fences and walls within the build-to-zone shall not exceed three feet in height; All other fences and walls shall have a maximum height of eight feet.
3. **Interior Planting Requirements:** Interior parking areas shall be landscaped in accordance with the interior planting requirements of Title 17.24.160.
4. Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet or in accordance with the regulations of Metro departments and agencies; trees must be located between the sidewalk and roadway within planting strips or tree wells.
5. **Landscape Material:** Tree and shrub species shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List or an alternative species deemed appropriate by the Urban Forester.
 - a. At planting, trees shall be a minimum of six feet in height and two caliper inches.
 - b. All landscaping shall be in a functioning bioswale, or irrigated using drip irrigation or sub-surface irrigation. If drought-tolerant species are used, no irrigation is required.
 - c. At planting, all landscaping shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).
 - d. All nursery stock shall be vigorous, healthy and free of diseases or infestation.

Phase I

Phase I standards shall be utilized to guide re-use and/or limited expansion of the structures existing on Tract A.

Access:

Automobile parking shall not be permitted in front (south of) of the principal building on Tract A. Parking shall be permitted on Tract B and must comply with the landscaping and buffering standards of the General Standards section.

Sidewalks:

An eight foot sidewalk and four foot planting strip along the entire Illinois Avenue frontage of the SP shall be required upon construction of a parking lot on Tract B. The existing sidewalk along 51st Avenue shall be maintained.

Building Additions:

Additions to the existing building shall generally be in keeping with the existing building and existing residential building types

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in the immediate area. If additions are proposed, a final SP application shall be submitted to the Planning Department for review and approval.

1. The existing 1,578 square foot building envelope (heated and cooled square feet) shall not be expanded by more than thirty-three percent (520.7 square feet);
2. Additions (heated and cooled, finished space) shall generally be situated at the rear, and constructed in such a way that it will not disturb the front façade with the exception that the front porch may be expanded to allow for additional room for outside seating;

Building Materials:

1. Additions shall consist of at least sixty percent wood, brick, stone or a 'hardie type' board. Vinyl materials shall not be permitted;

Building Height:

1. The height of the existing building shall not be expanded.
2. Additions shall not exceed the height of the existing building at the top elevation.

For development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.

Phase II

Phase II standards shall be utilized to guide redevelopment of the entire SP site.

Minimum required use:

Ground floors of new building construction shall contain only non-residential uses. Required non-residential use(s) shall not be directly associated or accessory to a residential use (i.e. leasing office, tenant lounge and/or recreational space).

Sidewalks:

Once a building is constructed on Tract B, the existing sidewalk shall be expanded to eight feet along the 51st Ave. frontage containing a four foot planting strip (twelve feet total). Sidewalks shall be located on the entire Illinois Avenue and 51st Avenue frontages of the SP.

Building Placement:

1. A build-to-zone of five to fifteen feet shall be required;
2. Buildings on Tract B shall extend across a minimum of seventy percent of the frontage along 51st Avenue within the build-to-zone;
3. Buildings constructed to meet the build-to zone requirement shall provide a depth of at least fifteen feet;
4. All new buildings constructed as a part of phase II of this SP shall be setback twenty feet from the west property line. Any additions to the existing structure on Tract A shall conform to the existing side setback. Existing home on Tract A shall remain, but may be expanded not exceeding current height and conforming to applicable zoning codes.

Building Height:

1. The maximum height for any building constructed within sixty feet of 51st Avenue shall be limited to forty-five feet at the peak of the roof or top of parapet. All other buildings or portions of buildings shall be limited in height to two stories and thirty-five feet at the peak of the roof or top of parapet. Ground floor shall be a minimum of fourteen feet measured from the finished floor elevation to the floor of the second story.

Building Materials:

1. Vinyl materials shall not be permitted.

Building Glazing:

1. **Minimum ground floor glazing.** The minimum ground floor glazing (clear windows and doors) shall equal a minimum of thirty percent of the total facade area of the building facade facing a public street. Façade area is defined as the width of the building façade fronting a public street multiplied by a fixed building façade height of sixteen feet.

For development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.

Mr. Cuthbertson presented the staff recommendation of approval with conditions, including a condition to add to the Building Materials provision in Phase II: "Are new buildings and/or additions shall consist of at least sixty percent wood, brick, stone, or a 'hardie type' board" and a waiver of the notice requirements in the Planning Commission Rules and Procedures due to a miscommunication between staff and the applicant, and disapproved without all conditions.

John Brittle, Jr., 5474 Franklin Pike Circle, spoke in favor of the application.

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Frank Stabile, 5203 Kentucky Avenue, spoke in opposition to the application and stated that ample time has not been given for people to hear about it; would like the neighborhood to get a chance to see it.

John Brittle noted that he has continually asked staff over the past four months if there was any opposition and did not hear of anyone until today; the height is not changing.

Mr. Dalton moved and Councilmember Claiborne seconded the motion to close the Public Hearing. (6-0)

Mr. Clifton spoke in support of the application and noted that this is actually a good proposal from a planning perspective.

Councilmember Claiborne spoke in support of the application and noted that the developer has gone above and beyond to accommodate the wishes of the neighborhood.

Mr. Dalton spoke in support of the application.

Ms. LeQuire spoke in support of the application.

Councilmember Claiborne moved and Mr. Clifton seconded the motion to approve with conditions, including a condition to add to the Building Materials Provisions in Phase II: All new buildings and/or additions shall consist of at least sixty percent wood, brick, stone, or a 'hardie type' board" and disapproved without all conditions. (6-0)

Resolution No. RS2013-56

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-013-001 is Approved with conditions, including a condition to add to the Building Materials Provisions in Phase II: All new buildings and/or additions shall consist of at least sixty percent wood, brick, stone, or a 'hardie type' board" and disapproved without all conditions. (6-0)

The SP is based on the standards of the MUL-A zoning district, which is a recommended zoning district within the CM policy. The SP will enhance the 51st Avenue Mixed Use Corridor as identified by the West Nashville Community Plan.

CONDITIONS

- 1. Permitted land uses within this SP shall be limited to permitted land uses within the MUL-A zoning district, except Cash advance, Check cashing, Title loan, Automobile convenience, Car wash, Funeral home, Mobile storage unit, Hotel/motel, Pawn shop, all Communication uses and all Industrial uses.**
- 2. Add the following provision to the Building Placement provisions in Phase II: *"A building constructed as part of Phase II of this SP shall occupy the corner bounded by Illinois Avenue and 51st Avenue."***
- 3. Add the following language to the Access provisions in General Standards: *"No automobile access shall be permitted to the site directly to or from 51st Avenue."***
- 4. Replace the language in Item 1 of the Building Placement provisions in Phase II with the following: *"A build-to-zone of five to fifteen feet shall be required on both 51st Avenue and Illinois Avenue."***
- 5. Include the following language under Item 2 of the Signage provisions: *"Only one ground sign shall be permitted on the SP site. The ground sign shall be no greater than thirty-two square feet in total area and shall be limited to a maximum height of six feet. Any ground sign located on Tract A within the SP shall be no more than 24 square feet in size."***
- 6. Comply with the recommendations of the Department of Public Works.**
- 7. Comply with the recommendations of Metro Water Services, Stormwater Division.**
- 8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.**
- 9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**

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10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
